



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0656-01000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Véronique FERRARI et al.	)	Group Art Unit: 1615
	)	
Application No.: 09/685,577	)	Examiner: Jyothsna A. VENKAT
	)	
Filed: October 11, 2000	)	
	)	
For: COMPOSITIONS STRUCTURED WITH	)	Confirmation No.: 5696
AT LEAST ONE POLYMER AND	)	
METHODS OF USING THE SAME	)	
(as amended)	)	

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Office the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114. Under the provisions of 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement does not require a fee for consideration.

Copies of the newly listed documents are attached, excluding any U.S. Patents, U.S. Patent Application Publications, and co-pending U.S. patent applications that are available through the Image File Wrapper System. Applicants respectfully request that

the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

### **Submitted Copies of Office Actions**

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under amended 37 C.F.R. § 1.56 and, thus, applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants do not represent that the Office Actions in the co-pending applications are material to the present application and do not admit that any of the other claims are substantially similar, out of an abundance of caution Applicants have listed the substantive Office Actions issued in co-pending applications on the attached PTO/SB/08. At the Examiner's request, Applicants have not included copies those Office Actions issued in the co-pending applications by the present Examiner of this application.

### **Previous Information Disclosure Statement**

The attached Form PTO/SB/08 lists documents cited in the Information Disclosure Statement filed on May 19, 2004 ("the May IDS"), that were crossed out, rather than initialed, by the Office when the Form PTO-1449 was returned with the final Office Action dated August 11, 2004. Applicants believe that those documents were properly listed and respectfully request that the Office consider the documents and indicate that the documents were considered. If the Office disagrees, Applicants would

greatly appreciate the citation of a regulation or PTO rule establishing that Applicants' submission was improper. Moreover, Applicants' representatives understand from the Examiner that in other co-pending applications, the Examiner considered references listed on the submitted Forms PTO-1449 or PTO/SB/08 but that those references were crossed through, rather than initialed, to avoid the printing of the references on the face of the issued patent. Thus, in light of the Examiner's representations regarding the crossing-out of references in co-pending applications, Applicants will consider any entries crossed through for a second time on this PTO/SB/08 as having been properly submitted and considered by the Examiner, unless the Examiner specifically states otherwise in the papers returning the form.

Applicants have not enclosed copies of those documents submitted in the May IDS that are also listed on the enclosed Form PTO/SB/08, as those references were previously properly submitted and, thus, should be available on the Image File Wrapper System. However, should the Office need or require any additional copies of those documents, Applicants will gladly provide them upon request.

### **Non-English Language References**

With respect to the following previously submitted and currently submitted non-English language documents listed on the attached Form PTO/SB/08, Applicants provide the following information regarding English-language abstracts and translations:

1. **DE 195 43 988 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.

2. **DE 199 51 010 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
3. **DE 38 43 892 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
4. **DE 42 08 297 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
5. **DE 42 34 886 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
6. **EP 0 169 997 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
7. **EP 0 749 748 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
8. **FR 2 796 272** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
9. **FR 2 796 273** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
10. **FR 2 804 017** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
11. **FR 2 804 018** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
12. **FR 2 810 562** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.

13. **FR 2 811 225** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
14. **FR 2 817 739** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
15. **FR 2 817 740** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
16. **FR 2 817 743** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
17. **FR 2 819 399** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
18. **FR 2 819 400** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
19. **JP 10/120903** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
20. **JP 11/335228** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
21. **JP 11/335242** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
22. **JP 11/335254** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
23. **JP 50/58242** - An abstract of the disclosure of this document can be found in the English language Abstract submitted herewith.

24. **JP 2000038314 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
25. **JP 2000038316 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
26. **JP 2000038317 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
27. **JP 2000038321 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
28. **JP 2000086427 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
29. **JP 2000086429 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
30. **JP 2000086438 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
31. **JP 9/20631** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted with the May IDS.
32. **JP 53/043577** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted with the May IDS.
33. **JP 56/123909** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted with the May IDS.

34. **JP 56/166276** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted with the May IDS.

35. **WO 01/97773** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

36. **WO 02/056847** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

37. **WO 02/056848** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

38. **WO 02/47622** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

39. **WO 02/47629** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

40. **WO 02/47630** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

41. **WO 86/04916** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

### **Co-Pending U.S. Litigation**

Further to the Notification of Pending Litigation filed July 23, 2004, Applicants submit two documents related to the patent infringement action styled *L'Oreal S.A. v. Estee Lauder Companies, Inc.*, Civ. No. 04-1660 (HAA) (D.N.J filed April 4, 2004). The

first document is a copy of the Court docket. The second document is a copy of Estée Lauder's Response to Plaintiffs' First Set of Interrogatories (Nos. 1-6). Both of these documents are enclosed with this Information Disclosure Statement and listed on the Form PTO/SB/08 for the Office's consideration.

### **Conclusion**

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office with the relevant facts and law regarding the appropriate status of such documents.

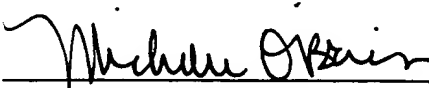
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Information Disclosure Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 11, 2005

By:   
Michelle E. O'Brien  
Reg. No. 46,203

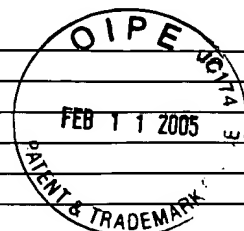


**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/685,577
Filing Date	October 11, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Jyothsna A. VENKAT
Attorney Docket Number	05725.0656-01000



Sheet	1	of	16
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**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number-Kind Code <sup>2</sup> (if known)					
		4,278,658	7/14/1981	Hooper et al.			
		4,620,492	11/4/1986	Vogg et al.			
		4,952,245	8/28/1990	Iwano et al.			
		5,034,219	7/23/1991	Deshpande et al.			
		5,061,289	10/29/1991	Clausen et al.			
		5,073,364	12/17/1991	Giezendanner et al.			
		5,085,859	2/4/1992	Halloran et al.			
		5,196,260	3/23/1993	Dirshl et al.			
		5,268,029	12/7/1993	Demangeon et al.			
		5,302,398	4/12/1994	Egidio et al.			
		5,486,431	1/23/1996	Tuttle et al.			
		5,489,431	2/6/1996	Ascione et al.			
		5,538,793	7/23/1996	Inokuchi et al.			
		5,620,693	4/15/1997	Piot et al.			
		5,628,029	12/7/1993	Demangeon et al.			
		5,750,127	5/12/1998	Rokitowski			
		5,769,902	6/23/1988	Samain			
		5,783,657	7/21/1998	Pavlin et al.			
		5,830,444	11/3/1998	Miguel			
		5,830,483	11/3/1998	Seidel et al.			
		5,902,592	5/11/1999	Bara et al.			
		5,908,631	6/1/1999	Arnaud et al.			
		5,961,998	10/5/1999	Arnaud et al.			
		5,972,095	10/26/1999	Graves et al.			
		5,976,514	11/2/1999	Guskey et al.			
		5,985,298	11/16/1999	Brieva et al.			
		6,001,980	12/14/1999	Borzo et al.			
		6,007,799	12/28/1999	Lee et al.			

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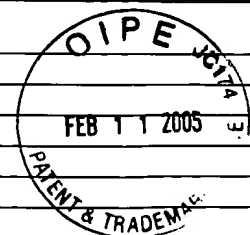
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet	2	of	16
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		Number-Kind Code <sup>2</sup> (if known)					
		6,019,962	2/1/2000	Rabe et al.			
		6,045,782	4/4/2000	Krog et al.			
		6,045,823	4/4/2000	Vollhardt et al.			
		6,066,328	5/23/2000	Ribier et al.			
		6,106,820	8/22/2000	Morrissey et al.			
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		6,165,454	12/26/2000	Patel et al.			
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		6,180,117 B1	1/30/2001	Berthiaume et al.			
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		6,214,329 B1	4/10/2001	Brieva et al.			
		6,221,389 B1	4/24/2001	Cannell et al.			
		6,224,851 B1	5/1/2001	Bara			
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		6,399,081 B1	6/4/2002	Nakanishi et al.			
		6,423,306 B2	7/23/2002	Caes et al.			
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		6,726,917 B2	4/27/2004	Kanji et al.			
		6,749,173	6/15/2004	Heiling			
		US 2001/0014312 A1	8/16/2001	Nakanishi et al.			
		US 2001/0014313 A1	8/16/2001	Roulier et al.			

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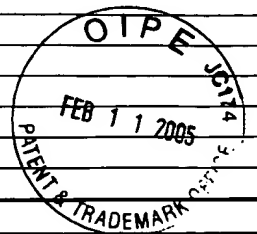
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		Number-Kind Code <sup>2</sup> (if known)					
		US 2001/0028887 A1	10/11/2001	Douin et al.			
		US 2001/0033846 A1	10/25/2001	Roulier et al.			
		US 2002/0044918 A1	4/18/2002	Bara			
		US 2002/0058053	5/16/2002	Nakanishi et al.			
		US 2002/0081323	6/27/2002	Nakanishi et al.			
		US 2002/0102225	8/1/2002	Hess et al.			
		US 2002/0107314 A1	8/8/2002	Pinzon et al.			
		US 2002/0111330 A1	8/15/2002	Pinzon et al.			
		US 2002/0114771 A1	8/22/2002	Nakanishi			
		US 2002/0114773 A1	8/22/2002	Kanji et al.			
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		US 2002/0131947 A1	9/19/2002	Nakanishi			
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		US 2002/0159964 A1	10/31/2002	Nakanishi et al.			
		US 2002/0168335 A1	11/14/2002	Collin			
		US 2002/0172696 A1	11/21/2002	Ferrari			
		US 2002/0189030 A1	12/19/2002	Collin			
		US 2002/0192168 A1	12/19/2002	Blin et al.			
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		US 2003/0044367 A1	3/6/2003	Simon et al.			
		US 2003/0086883 A1	5/8/2003	Feng et al.			
		US 2003/0147837 A1	8/7/2003	Cavazzuti et al.			
		US 2003/0161807 A1	8/28/2003	Lemann			
		US 2003/0161848 A1	8/28/2003	Ferrari et al.			
		US 2003/0185780 A1	10/2/2003	Ferrari et al.			

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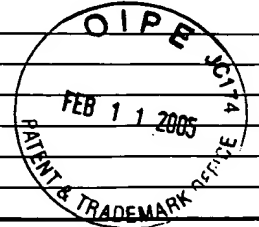
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Sheet 4 of 16

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		Number-Kind Code <sup>2</sup> (if known)					
		US 2003/0198613 A1	10/23/2003	Feng et al.			
		US 2004/0013625 A1	1/22/2004	Kanji			
		US 2004/0028636 A1	2/12/2004	Collin			
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		US 2004/0126401 A1	7/1/2004	Collin			
		US 2004/0166076 A1	8/26/2004	Ferrari et al.			
		US 2004/0166133 A1	8/26/2004	Cavazzuti et al.			

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)					
		DE 195 43 988 A1	5/28/1997	Germany			Abstract
		DE 199 51 010 A1	4/26/2001	Germany			Abstract
		DE 38 43 892 A1	6/28/1990	Germany			Abstract
		DE 42 08 297 A1	9/23/1993	Germany			Abstract
		DE 42 34 886 A1	4/21/1994	Germany			Abstract
		EP 0 169 997 B1	2/5/1986	Europe			Abstract
		EP 0 749 748 A1	12/27/1996	Europe			Abstract
		EP 0 958 804 A2	11/24/1999	Europe			English
		EP 0 958 805 A2	11/24/1999	Europe			English
		EP 1 062 944 A1	12/27/2000	Europe			English
		EP 1 062 959 A1	12/27/2000	Europe			English
		EP 1 095 959 A2	5/2/2001	Europe			English
		EP 1 213 011 A1	6/12/2002	Europe			English
		EP 1 213 316 A2	6/12/2002	Europe			English
		FR 2 796 272	1/19/2001	France			Abstract

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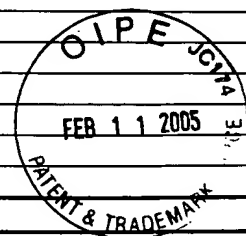
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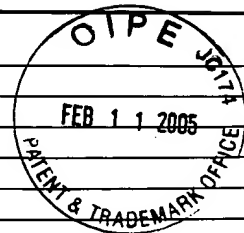
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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		FR 2 796 273	1/19/2001	France		Abstract
		FR 2 804 017	7/27/2001	France		Abstract
		FR 2 804 018	7/27/2001	France		Abstract
		FR 2 810 562	12/28/2001	France		Abstract
		FR 2 811 225	1/11/2002	France		Abstract
		FR 2 817 739	6/14/2002	France		Abstract
		FR 2 817 740	6/14/2002	France		Abstract
		FR 2 817 743	6/14/2002	France		Abstract
		FR 2 819 399	7/19/2002	France		Abstract
		FR 2 819 400	7/19/2002	France		Abstract
		GB 2 014 852 A	9/5/1979	Great Britain		English
		JP 10/120903	5/12/1998	Japan		Abstract
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		JP 11/335242	12/7/1999	Japan		Abstract
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		JP 2000086427 A	3/28/2000	Japan		Abstract
		JP 2000086429 A	3/28/2000	Japan		Abstract
		JP 2000086438 A	3/28/2000	Japan		Abstract
		JP 9/20631	1/21/1997	Japan		Abstract
		WO 01/97773 A1	12/27/2001	PCT		English Abstract
		WO 02/03932 A2	1/17/2002	PCT		English
		WO 02/03935 A2	1/17/2002	PCT		English
		WO 02/03950 A2	1/17/2002	PCT		English

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <div style="text-align: center;"><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></div> <div style="text-align: center;"><i>(Use as many sheets as necessary)</i></div>				<b>Complete if Known</b>	
				Application Number	09/685,577
				Filing Date	October 11, 2000
				First Named Inventor	Véronique FERRARI et al.
				Art Unit	1615
				Examiner Name	Jyothisna A. VENKAT
				Attorney Docket Number	05725.0656-01000
Sheet	6	of	16		



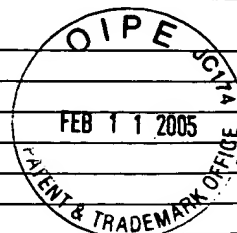
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No. <sup>1</sup>		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		Translation <sup>6</sup>
		Foreign Patent Document					
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)					
		WO 02/03951 A2	1/17/2002	PCT			English
		WO 02/056847 A1	7/25/2002	PCT			English Abstract
		WO 02/056848 A1	7/25/2002	PCT			English Abstract
		WO 02/092047 A1	11/21/2002	PCT			English
		WO 02/47608 A2	6/20/2002	PCT			English
		WO 02/47619 A2	6/20/2002	PCT			English
		WO 02/47622 A2	6/20/2002	PCT			English Abstract
		WO 02/47629 A1	6/20/2002	PCT			English Abstract
		WO 02/47630 A1	6/20/2002	PCT			English Abstract
		WO 02/49583 A1	6/27/2002	PCT			English
		WO 98/22078	5/28/1998	PCT			English Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		McCutcheon's Volume 1: Emulsifiers & Detergents North American and International Editions, MC Publishing Co., Glen Rock NJ (1993), pp. 272-273.	
		Certified English translation of FR 1 529 329	
		Co-Pending Application No. 09/899,909, issued as U.S. Patent No. 6,432,391 on August 13, 2002, Attorney Docket No. 5725.0920-00-000 Title: TRANSPARENT SCENTED SOLID COSMETIC COMPOSITION U.S. Filing Date: July 9, 2001	
		Co-Pending Application No. 09/937,314; Attorney Docket No. 5725.0932-00-000 Title: TRANSFER-FREE COMPOSITION STRUCTURED IN THE STIFF FORM BY A POLYMER U.S. Filing Date: September 24, 2001	
		Co-Pending Application No. 09/971,028, issued as U.S. Patent No. 6,716,420 on April 6, 2004; Attorney Docket No. 5725.0895-00-000 Title: METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER U.S. Filing Date: October 5, 2001	
		Co-Pending Application No. 10/012,029; Attorney Docket No. 5725.1003-00-000 Title: COSMETIC COMPOSITION COMPRISING A POLYMER BLEND U.S. Filing Date: December 11, 2001	
		Co-Pending Application No. Not Yet Assigned, Attorney Docket No. 05725.1003-01-000 Title: COSMETIC COMPOSITION COMPRISING A POLYMER BLEND U.S. Filing Date: November 22, 2004	

Examiner Signature		Date Considered	
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		Filing Date	October 11, 2000
		First Named Inventor	Véronique FERRARI et al.
		Art Unit	1615
		Examiner Name	Jyothsna A. VENKAT
Sheet	7	of	16
		Attorney Docket Number	05725.0656-01000



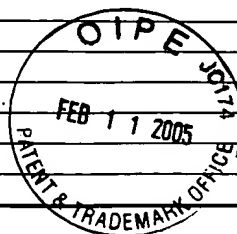
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		Co-Pending Application No. 10/012,051; Attorney Docket No. 5725.1004-00-000 Title: USE OF A POLYMER FOR OBTAINING AN EXPRESS MAKE-UP OF KERATIN MATERIALS U.S. Filing Date: December 11, 2001	
		Co-Pending Application No. 10/990,475, Attorney Docket No. 05725.1004-01-000 Title: USE OF A POLYMER FOR OBTAINING AN EXPRESS MAKE-UP OF KERATIN MATERIALS U.S. Filing Date: November 18, 2004	
		Co-Pending Application No. 10/012,052; Attorney Docket No. 5725.1005-00-000 Title: COSMETIC COMPOSITION COMPRISING A WAX AND A POLYMER U.S. Filing Date: December 11, 2001	
		Co-Pending Application No. 10/046,568; Attorney Docket No. 5725.1018-00-000 Title: NAIL POLISH COMPOSITION COMPRISING A POLYMER U.S. Filing Date: January 16, 2002	
		Co-Pending Application No. 10/047,987, Attorney Docket No. 5725.1020-00-000 Title: COSMETIC COMPOSITION CONTAINING A POLYMER AND A FLUORO OIL U.S. Filing Date: January 17, 2002	
		Co-Pending Application No. 10/198,931, Attorney Docket No. 5725.0896-00-000 Title: COMPOSITIONS COMPRISING AT LEAST ONE HETEROPOLYMER AND FIBERS, AND METHODS OF USING THE SAME U.S. Filing Date: July 22, 2002	
		Co-Pending Application No. 10/203,374, Attorney Docket No. 6028.0019-00-000 Title: METHOD FOR MAKING A COLOURED MAKE-UP COSMETIC COMPOSITION WITH CONTROLLED TRANSMITTANCE U.S. Filing Date: August 9, 2002	
		Co-Pending Application No. 10/203,375, Attorney Docket No. 6028.0018-00-000 Title: TRANSPARENT OR TRANSLUCENT COLORED COSMETIC COMPOSITION U.S. Filing Date: August 9, 2002	
		Co-Pending Application No. 10/312,083, Attorney Docket No. 5725.1187-00-000 Title: SOLID EMULSION CONTAINING A LIQUID FATTY PHASE STRUCTURED WITH A POLYMER U.S. Filing Date: December 23, 2002	
		Co-Pending Application No. 10/413,217, Attorney Docket No. 5725.0895-01-000 Title: METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER U.S. Filing Date: April 15, 2003	
		Co-Pending Application No. 10/699,780, Attorney Docket No. 5725.0895-02-000 Title: METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER U.S. Filing Date: November 4, 2003	
		Co-Pending Application No. 10/450,108, Attorney Docket No. 5725.1198-00-000 Title: COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBRES U.S. Filing Date: June 11, 2003	
		Co-Pending Application No. 10/459,636, Attorney Docket No. 5725.1336-00-000 Title: COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS OF USING THE SAME U.S. Filing Date: June 12, 2003	
		Co-Pending Application No. 10/466,166, Attorney Docket No. 5725.1228-00-000 Title: COSMETIC COMPOSITION COMPRISING A MIXTURE OF POLYMERS U.S. Filing Date: July 14, 2003	
		Co-Pending Application No. 10/618,315, Attorney Docket No. 5725.1337-00-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: July 11, 2003	
		Co-Pending Application No. 10/746,612, Attorney Docket No. 5725.1338-01-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: December 22, 2003	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		Application Number	09/685,577
		Filing Date	October 11, 2000
		First Named Inventor	Véronique FERRARI et al.
		Art Unit	1615
		Examiner Name	Jyothsna A. VENKAT
		Attorney Docket Number	05725.0656-01000
Sheet	8	of	16



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Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Co-Pending Application No. 10/747,412, Attorney Docket No. 5725.1338-02-000 Title: COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS OF USING THE SAME U.S. Filing Date: December 22, 2003	
		Co-Pending Application No. 10/787,440, Attorney Docket No. 5725.0816-02-000 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE U.S. Filing Date: February 27, 2004	
		Co-Pending Application No. 10/182,830; Attorney Docket No. 05725.0795-01-000 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME U.S. Filing Date: August 2, 2002	
		Co-Pending Application No. 10/787,441, Attorney Docket No. 5725.0795-02-000 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME U.S. Filing Date: February 27, 2004	
		Co-Pending Application No. 10/990,475, Attorney Docket No. 05725.1004-01-000 Title: USE OF A POLYMER FOR OBTAINING AN EXPRESS MAKE-UP OF KERATIN MATERIALS U.S. Filing Date: November 18, 2004	
		Co-Pending Application No. 10/993,430, Attorney Docket No. 05725.1003-01-000 Title: COSMETIC COMPOSITION COMPRISING A POLYMER BLEND U.S. Filing Date: November 22, 2004	
		Co-Pending Application No. 10/933,431, Attorney Docket No. 05725.0932-01-000 Title: A TRANSFER-FREE COMPOSITION STRUCTURED IN RIGID FORM BY A POLYMER U.S. Filing Date: November 22, 2004	
		Co-Pending Application No. 11/019,382, Attorney Docket No. 05725.1378-00-000 Title: COSMETIC COMPOSITION COMPRISING TWO DIFFERENT HETERO POLYMERS AND METHOD OF USING SAME U.S. Filing Date: December 23, 2004	
		Co-Pending Application No. 10/203,254; Attorney Docket No. 05725.0817-01-000 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME U.S. Filing Date: August 7, 2002	
		Co-Pending Application No. 10/918,579, Attorney Docket No. 05725.0808-02-000 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OILSOLUBLE ESTERS AND METHODS OF USING SAME U.S. Filing Date: August 16, 2004.	
		English language abstract of JP 50/58242	
		English language abstract of JP 53/043577 from Patent Abstracts of Japan	
		English language abstract of JP 56/123909 from Patent Abstracts of Japan	
		English language abstract of JP 56/166276 from Patent Abstracts of Japan	
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		English language DERWENT abstract of DE 197 07 309 A1	
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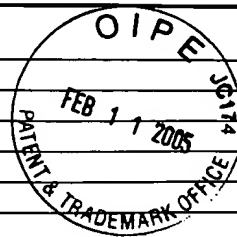


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STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	09/685,577
Filing Date	October 11, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Jyothsna A. VENKAT
Attorney Docket Number	05725.0656-01000



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of

16

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		English language DERWENT abstract of DE 42 08 297 A1	
		English language DERWENT abstract of DE 42 34 886 A1	
		English language DERWENT abstract of EP 0 169 997 B	
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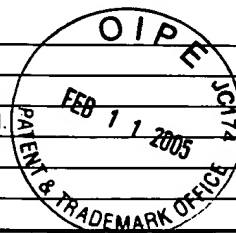
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Attorney Docket Number	05725.0656-01000



Sheet	10	of	16
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		English language DERWENT abstract of EP 1 090 627 B1	
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		English language DERWENT abstract of FR 2 232 303	
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		English language DERWENT abstract of JP 2000038316 A and JP 2000038317 A	

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Sheet	11	of	16
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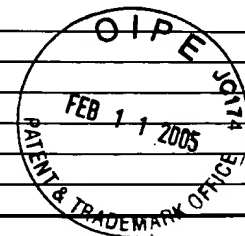
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		English language DERWENT abstract of JP 2000086427 A	
		English language DERWENT abstract of JP 2000086429 A	
		English language DERWENT abstract of JP 2000086438 A	
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		English language DERWENT abstract of WO 02/47629	
		English language DERWENT abstract of WO 02/47630	
		English language DERWENT abstract of WO 86/04916	
		Estee Lauder MagnaScopic Maximum Volume mascara product packaging, believed to have first been sold in 2003	
		Estee Lauder's Response to Plaintiff's First Set of Interrogatories (Nos. 1-6), dated September 27, 2004, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc. et al., Civil Action No. 04-1660 (D.N.J.)	
		French Search Report in FR 0000920 (priority document for PCT/FR01/00229, which is the priority document for Atty. Docket No. 5725.0932), dated November 10, 2000	
		French Search Report in FR 0001004 (priority document for Atty. Docket No. 5725.0832), dated November 10, 2000	
		French Search Report in FR 0008084 (priority document for Atty. Docket No. 5725.1187), dated March 28, 2001	
		French Search Report in FR 0008913 (priority document for Atty. Docket No. 5725.0920), dated March 20, 2001	
		French Search Report in FR 0016161 (priority document for Atty. Docket No. 5725.1003), dated September 6, 2001	

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			Examiner Name	Jyothsna A. VENKAT	
Sheet	12	of	16	Attorney Docket Number	05725.0656-01000



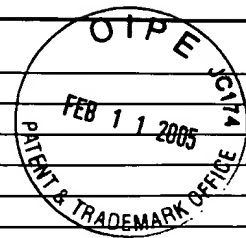
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		French Search Report in FR 0016163 (priority document for Atty. Docket No. 5725.1005), dated August 1, 2001	
		French Search Report in FR 0016164 (priority document for Atty. Docket No. 5725.1004), dated September 6, 2001	
		French Search Report in FR 0016180 (priority document for Atty. Docket No. 6028.0019), dated October 16, 2001	
		French Search Report in FR 0100479, dated September 17, 2001	
		French Search Report in FR 0100620, dated November 6, 2001	
		French Search Report in FR 0100623 (priority document for Atty. Docket No. 5725.1018), dated October 9, 2001	
		French Search Report in FR 0114529, dated August 26, 2002	
		French Search Report in FR 0114530, dated August 26, 2002	
		French Search Report in FR 9909176 (priority document for Atty. Docket No. 5725.0659), dated March 23, 2000	
		French Search Report in FR 9909177 (priority document for Atty. Docket No. 5725.0656), dated March 30, 2000	
		French Search Report in FR 9916588 (priority document for Atty. Docket No. 5725.0832), dated October 16, 2000	
		Handbook of Cosmetic Science and Tech. Elsevier Advanced Tech., 1st Edition (1994), pp. 1-32	
		International Search Report in PCT/FR01/00229 (the priority document for Atty. Docket No. 5725.0932), dated April 18, 2001	
		International Search Report in PCT/FR01/01958 (priority document for Atty. Docket No. 5725.1187), dated October 26, 2001	
		International Search Report in PCT/FR01/03726, dated April 18, 2002	
		International Search Report in PCT/FR01/03937 (priority document for Atty. Docket No. 6028.0018), dated April 23, 2002	
		International Search Report in PCT/FR01/03938 (priority document for Atty. Docket No. 6028.0019), dated June 10, 2002	
		International Search Report in PCT/FR01/03939 (priority document for FR 0016164, which is the priority document for Atty. Docket No. 5725.1003), dated April 15, 2002	
		International Search Report in PCT/FR01/03940 (priority document for FR 0016161, which is the priority document for Atty. Docket No. 5725.1003), dated March 13, 2002	
		International Search Report in PCT/FR01/03945 (priority document for FR 0016163, which is the priority document for Atty. Docket No. 5725.1003), dated May 31, 2002	
		International Search Report in PCT/FR02/00129, dated June 14, 2002	
		International Search Report in PCT/FR02/00144 (priority document for FR 0100479, which is the priority document for Atty. Docket No. 5725.1018), dated June 14, 2002	
		International Search Report in PCT/FR02/00194, dated June 12, 2002	
		International Search Report in PCT/IB00/02000 (Atty. Docket No. 5725.0816-00304), dated August 8, 2001	

Examiner Signature		Date Considered	
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	09/685,577
		Filing Date	October 11, 2000
		First Named Inventor	Véronique FERRARI et al.
		Art Unit	1615
		Examiner Name	Jyothisna A. VENKAT
Sheet	13	of	16
		Attorney Docket Number	05725.0656-01000



NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		International Search Report in PCT/IB00/02002, dated September 4, 2001	
		International Search Report in PCT/IB00/02006 (Atty. Docket No. 5725.0817-00304), dated August 8, 2001	
		International Search Report in PCT/IB01/02780 (Atty. Docket No. 5725.0819-01304), dated October 4, 2002	
		International Search Report in PCT/IB01/02786, dated October 2, 2002	
		International Search Report in PCT/IB01/02820, dated May 27, 2002	
		International Search Report in PCT/IB01/02833 (Atty. Docket No. 5725.0816-01304), dated May 24, 2002	
		International Search Report in PCT/IB01/02840 (Atty. Docket No. 5725.0817-01304), dated June 11, 2002	
		International Search Report in PCT/US 00/33596 (Atty. Docket No. 5725.0795-0304), dated August 8, 2001	
		International Search Report in PCT/US 01/47459 (Atty. Docket No. 5725.0594-0304), dated February 6, 2003	
		International Search Report in PCT/US 01/47496 (Atty. Docket No. 5725.0809-0304), dated February 26, 2003	
		International Search Report in PCT/US 01/47497 (Atty. Docket No. 5725.0808-0304), dated December 2, 2002	
		Kirk-Othmer, "Encyclopedia of Chemical Technology", Third Edition, Volume 22, John Wiley & Sons, 1983, pp. 332-342	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated December 21, 2001 (Ex. Seidleck)	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated July 15, 2002 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated July 16, 2003 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated November 19, 2003 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) dated August 11, 2004 (Ex. Pryor)	
		Office Action in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) dated May 7, 2003 (Ex. Pryor)	
		Office Action in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) dated November 19, 2003 (Ex. Pryor)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00) dated January 28, 2003 (Ex. Rajguru)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00) dated July 19, 2002 (Ex. Rajguru)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00) dated November 18, 2003 (Ex. Rajguru)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809-00) dated April 15, 2002 (Ex. Berman)	

Examiner Signature		Date Considered	
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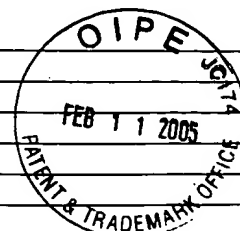
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/685,577
Filing Date	October 11, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Jyothsna A. VENKAT
Attorney Docket Number	05725.0656-01000



Sheet 14 of 16

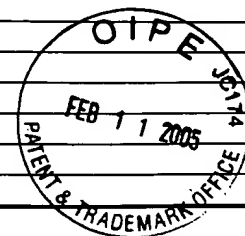
**NON PATENT LITERATURE DOCUMENTS**

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		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809-00) dated April 23, 2003 (Ex. Wells)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809-00) dated August 29, 2002 (Ex. Berman)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809-00) dated May 6, 2004 (Ex. Yu)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00) dated April 29, 2003 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00) dated August 28, 2002 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00) dated December 23, 2003 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594-00) dated April 7, 2004 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594-00) dated April 9, 2003 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594-00) dated September 22, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00) dated April 7, 2004 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00) dated December 1, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00) dated July 16, 2003 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00) dated August 13, 2003 (Ex. Howard)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00) dated July 16, 2002 (Ex. Howard)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00) dated May 5, 2004 (Ex. Howard)	
		Office Action in co-pending Application No. 09/899,909 (Attorney Docket No. 05725.0920-00) dated December 18, 2001 (Ex. Dodson)	
		Office Action in co-pending Application No. 09/937,314 (Attorney Docket No. 05725.0932-00) dated May 19, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/971,028 (Attorney Docket No. 05725.0895-00) dated August 11, 2003 (Ex. Wang)	
		Office Action in co-pending Application No. 09/971,028 (Attorney Docket No. 05725.0895-00) dated March 26, 2003 (Ex. Wang)	
		Office Action in co-pending Application No. 10/012,029 (Attorney Docket No. 05725.1003-00) dated November 20, 2002 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,029 (Attorney Docket No. 05725.1003-00) dated September 08, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004-00) dated January 14, 2003 (Ex. Venkat)	

Examiner  
SignatureDate  
Considered

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	09/685,577
		Filing Date	October 11, 2000
		First Named Inventor	Véronique FERRARI et al.
		Art Unit	1615
		Examiner Name	Jyothsna A. VENKAT
Sheet	15	of	16
		Attorney Docket Number	05725.0656-01000



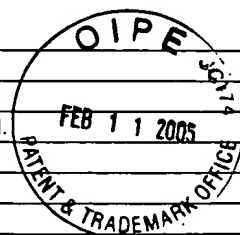
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		Office Action in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004-00) dated May 14, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004-00) dated October 3, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00) dated November 6, 2003 (Ex. Wells)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00) dated August 9, 2004 (Ex. Wells)	
		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018-00) dated December 30, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018-00) dated June 12, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018-00) dated November 5, 2002 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018-00) dated September 22, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/047,987 (Attorney Docket No. 05725.1020-00) dated December 11, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/047,987 (Attorney Docket No. 05725.1020-00) dated September 7, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.1073-00) dated August 24, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/198,931 (Attorney Docket No. 05725.0896-00) dated December 18, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/198,931 (Attorney Docket No. 05725.0896-00) dated September 1, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,018 (Attorney Docket No. 05725.0816-01) dated May 19, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187-00) dated October 1, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/413,217 (Attorney Docket No. 05725.0895-01) dated September 9, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02) dated September 22, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05715.1338-01) dated September 20, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/787,440 (Attorney Docket No. 05725.0816-02) dated August 24, 2004 (Ex. Venkat)	
		Origins Full Story™ Lush lash mascara product packaging, believed to have first been sold in 2003	
		PCT Application No. PCT/US03/41618; Attorney Docket No. 5725.1338-00-304 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT Inventors: Shao Xiang LU, Terry VAN LIEW, Nathalie GEFFROY-HYLAND International Filing Date: December 22, 2003	

Examiner Signature		Date Considered	
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				Filing Date	October 11, 2000
				First Named Inventor	Véronique FERRARI et al.
				Art Unit	1615
				Examiner Name	Jyothisna A. VENKAT
Sheet	16	of	16	Attorney Docket Number	05725.0656-01000



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		PCT Application No. PCT/US04/01071; Attorney Docket No. 5725.1335-00-304 Title: LONG WEAR COSMETIC COMPOSITION Inventor: Balanda ATIS International Filing Date: January 16, 2004	
		U.S. District Court for the District of New Jersey Civil Docket for L'Oreal S.A. v. Estee Lauder Companies, Inc., Civ. No. 04-1660 (HAA) (D.N.J. filed April 4, 2004) (retrieved January 2, 2005)	
		Yasuda et al., Novel Low-molecular-weight Organic Gels: N,N', N"-Tristearyltrimesamide/Organic Solvent System," Chemistry Letters, pp. 575-576, 1996, the month of publication is not available	

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